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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the  
Roseville Energy Park

**DOCKET NO. 03-AFC-1**

**ROSEVILLE ELECTRIC'S  
COMMENTS ON THE PRELIMINARY  
STAFF ASSESSMENT**

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Roseville Electric (RE) hereby submits its comments on the Preliminary Staff Assessment (PSA). According to the Notice of Publication of the PSA, comments are due on July 28, 2004. Since a Public Workshop on the PSA is scheduled for July 20, 2004, we have prepared the following comments to provide Staff input in advance of the workshop. Our goal is to engage in productive discussions with Staff and, where possible, provide clarification and achieve resolution of issues. Therefore, RE reserves the right to augment these comments prior to the close of public comment period on July 24, 2004.

**EXECUTIVE SUMMARY**

*Page 1-2, para 1 – “Build-out of the WRSP would take place over approximately 10 years.”* According to the West Roseville Specific Plan, build-out would take place between 2004-05 and 2019-20, or 15 years.

*Page 1-5, para 5 –* RE disagrees with Staff's characterization of the financial and technical burden to RE and the determination of significant impact related to ammonia slip. RE and Staff have previously discussed this issue and it appears this disagreement will need to be resolved by the Committee.

*Page 1-6, para 1* – At the time of the PSA, RE was preparing and had not yet submitted its Section 404 permit application. RE has since submitted its application a copy of which was docketed on June 9, 2004.

*Page 1-6 – Cultural Resources (and table on Page 1-5):*

The PSA indicates that additional survey is needed to determine if CA-PLA-263 is within the impact area. Archaeological site P-31-0263 has the trinomial CA-Pla-137 and is the only site with recorded boundaries near the project area. Neither URS (for the Roseville Energy Facility) nor Tetra Tech FW (for the Roseville Energy Park) was able to relocate this site on the City of Roseville parcel, partly due to an imprecise sketch map (done in 1961). A site visit attended by Douglas Davy of CH2M Hill and Gary Reinoehl of CEC Staff on June 24, 2004, also did not find any evidence of the site. Therefore, impacts are unlikely and the reference in the table on Page 1-5 to an “inconclusive” environmental impact be changed to “No Impact.” The table entry “LORS Conformance” should be changed from “Inconclusive” to “Yes.”

*Page 1-6, Noise* – For the reasons discussed in RE’s comments on the Noise Section of the PSA, Staff **can** conclude that the REP complies with all applicable LORS and will not result in significant noise impacts. Specifically, the Placer County Noise Ordinance is inapplicable to REP for the reasons contained in the March 2, 2004 letter from Placer County, which has previously been docketed.

## **PROJECT DESCRIPTION**

*Page 3-1, para 3* – “Build-out of the WRSP would take place over approximately 10 years.” According to the West Roseville Specific Plan, build-out would take place between 2004-05 and 2019-20, or 15 years.

*Page 3-1, para 4* – “Alstom GTX100 combustion turbine-generator.” Siemens AG has purchased Alstom’s industrial turbines business.

*Page 3-2, para 2* – The last sentence should be modified to reflect that CO will be controlled to a maximum of 4.0 ppmvd under all operating conditions **except startup and shutdown periods**.

## **AIR QUALITY**

*Page 4.1-7 Figure 1* - Please remove this graph as it is misleading in that it does not represent all days of ozone exceedances.

*Page 4.1-10, para. 1* – last two sentences (“The sulfate rich (sic) case...”)  
Last two sentences are sentence fragments.

*Page 4.1-10 Table 3* - The most recent three years of monitoring data is used to determine representative background concentrations and is the method outlined by CARB and EPA for determining attainment/non-attainment. Therefore, the references to concentrations occurring in the years prior to 2000 should be removed.

*Page 4.1-11, para. 2* – “*Less than one percent...*”

This paragraph says that less than 1 percent of Placer County employees are engaged in agriculture, and that therefore that livestock would not contribute significantly to the County’s ammonia. The number of employees engaged in agriculture does not necessarily bear a direct correlation to the amount of livestock and, therefore, the contribution of agriculture to the ammonia inventory.

*Page 4.1-13, para. 1* – “*The linear facilities will include... 6.6 miles of transmission line, and approximately 100 feet of reclaimed water pipeline.*”

The project’s electrical transmission line is 100 feet long, not 6.6 miles long. The reclaimed water pipeline is approximately 50 feet long. The project’s gas transmission line, to be constructed by PG&E is approximately 6.6 miles long.

*Page 4.1-14, para. 3* – “*...running 30 minuets for test*” should be replaced with “*...running 30 minutes for each test.*”

*Page 4.1-18 Table 8* - Please remove the bold marker on 24-hour and annual PM<sub>10</sub> total impacts. It is already clearly identified in the table. As an alternative, please put in bold the impacts that are significantly less than standards, such as annual NO<sub>x</sub>, CO and SO<sub>2</sub>.

*Page 4.1-20 Table 10* - Please remove the bold marker on 24-hour and annual PM<sub>10</sub> total impacts. It is already clearly identified in the table. As an alternative, please put in bold the impacts that are significantly less than standards, such as CO and SO<sub>2</sub>.

*Page 4.1-28-29, ADEQUACY OF PROPOSED MITIGATION* – Staff concludes that the RE’s ERCs are insufficient to offset the REP’s projected emissions. While REP has worked diligently to secure additional ERCs, it has been unable to do so. Therefore, REP is revising its operating hours and schedule to reduce its emissions. With this revision, RE believes that all of its emissions will be offset in accordance with District Rules with the ERCs identified in the PSA. Staff acknowledges this approach at page 4.1–30. Additionally, RE believes that the revised operating hours and schedule will demonstrate that no additional offsets under CEQA. RE does disagree with Staff’s assertion that additional SO<sub>x</sub>, VOC or PM<sub>2.5</sub> offsets are required.

*Page 4.1-29, PM<sub>10</sub> Emission Reduction Credits* - The PM<sub>10</sub> ERCs identified by REP that are not associated with combustion sources have already been discounted to reflect only PM<sub>10</sub>. These sources are associated with bag houses and cyclones and are not just TSP sources.

*Page 4.1-30 Operation:* With the modification discussed above, RE has secured sufficient credits to mitigate all emissions and impact of NO<sub>x</sub>. Therefore, no NO<sub>x</sub> ERC deficiency exists.

*Page 4.1-31, Ammonia Slip Mitigation* – RE disagrees with Staff assertion that RE's proposed ammonia slip of 10 ppm will result in significant adverse environmental impacts that would warrant a further reduction of ammonia slip to 5 ppm.

*Page 4.1-34, para 2* – RE has prepared a cumulative impact assessment for air quality, which will be submitted under separate cover. The cumulative assessment demonstrates that the REP will not result in significant cumulative air quality impacts.

*Page 4.1-37 Proposed Condition of Certification **AQ-SC4*** – RE proposes the following modification.

**“AQ-SC4** The AQCMM shall continuously monitor the construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported ~~(1)~~ off the project site ~~or~~ **and** ~~(21)~~ 200 feet beyond the centerline of the construction of linear facilities or ~~(3 2)~~ within 100 feet upwind of any regularly occupied structures not owned by the project owner indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMM shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:....”

*Page 4.1-37, Proposed Condition of Certification **AQ-SC5*** – RE proposes the following modification reflect that the REP does not need any federal permit issued by U.S. EPA.

**“AQ-SC5** The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project air permit. The project owner shall submit to the CPM any modification to any permit proposed by the District ~~or U.S. EPA~~, and any revised permit issued by the District or ~~U.S. EPA~~, for the project.”

*Page 4.1-38, Proposed Condition of Certification **AQ-SC6*** – This proposed condition imposes additional reporting burdens not necessary for demonstration that the project is in compliance with the conditions of certification and therefore should be deleted. The PCAPCD DOC has sufficient monitoring requirements that will insure compliance with all applicable regulations. In addition, when the plant becomes operational, a Title V operating permit will contain additional compliance monitoring requirements.

*Page 4.1-38, Proposed Condition of Certification **AQ-SC7*** – This proposed condition imposes a reporting requirement that is not supported by any regulatory scheme, is not required and is not necessary to mitigate any significant impact. Additionally, the proposed condition is overly burdensome and therefore should be deleted.

RE's comments on the remainder of the Air Quality conditions are included in its comments on the Preliminary Determination of Compliance (PDOC) which will be submitted under separate cover. However, RE notes that in several instances, Staff has added verification language to the PDOC conditions requiring additional reporting. RE requests that Staff delete any reference to **AQ-SC6** and any additional reporting requirements or approvals that are above those required by the Placer County Air Pollution Control District (PCAPCD). For example, Staff has added verification language to **AQ-3** that appears to require further approval of use of NOx and VOC emission reductions certified during quarters 2 and 3 to offset increases in NOx emissions occurring in any quarter. No such further approval is necessary. PCAPCD rules and PDOC condition specifically authorizes such use. The same verification language has been added to **AQ-4**. The verification language should be deleted for both conditions. We request that the Air Quality Operating Conditions of the FSA be identical to those contained in the FDOC.

## **BIOLOGICAL RESOURCES**

### *Table 1 – Special Status Species*

The table indicates a “high” likelihood for the giant garter snake to occur at the REP. Giant garter snakes, however, are an aquatic species that, in the Sacramento Valley prefer irrigation and drainage ditches, rice paddies, and oxbow lakes. Habitat requirements include adequate water spring through fall, when the snakes are active, and wetland vegetation such as cattails and rushes. The REP has no such features and nearby watercourses are dry for much of the year. Though there are rice fields in the general vicinity, the nearest rice field is more than 0.5 miles from the REP. The species should therefore be removed from this table.

The likelihood of some other species in the table to be present at or near the REP is very low that they should be removed from the table. These include particularly fish such as the Chinook salmon, Delta smelt, longfin smelt, steelhead, river lamprey, Pacific lamprey, and Green sturgeon.

### *Pages 4.2-8 through 4.2-19 - Project Specific Impacts*

RE has filed an application for a permit under Section 404 of the Clean Water Act, including a revised wetland delineation and revised Biological Assessment that incorporate a slightly changed project configuration and construction plan than is reflected in the PSA. These changes were made in order to avoid sensitive wetlands and grassland ecosystems and minimize the project's potential effects on wetlands and

endangered species. Under the new plan, the power plant fenceline has been moved in two places to avoid direct impacts to wetlands. In addition, the construction laydown area has been moved to a location west of the Pleasant Grove Wastewater Treatment Plant. The new laydown area has been permitted for the West Roseville Specific Plan (WRSP) and the potential impacts of the West Roseville buildout have been taken into account and mitigated through the permitting process for the WRSP, the CWA Section 404 permit, and U.S. Fish and Wildlife Service Biological Opinion for the WRSP.

Under the new construction plan, direct impacts to seasonal wetlands and vernal pool fairy shrimp would be limited to 0.39 acre. There would be indirect impacts to 1.29 acres of vernal pool fairy shrimp habitat. Permanent loss of annual grassland (foraging habitat for Swainson's hawk and white-tailed kite) would total 5.21 acres. We look forward to discussing the revised project proposal with Staff.

*Page 4.2-8, para 3, vernal pool grasslands fragmentation. "With the exception of the PGWWTP, the surrounding landscape is mostly open space. Construction of the proposed power plant would remove and alter the uplands on the site. Construction and operation of the REP would create new physical boundaries which would divide the vernal pool landscape and create smaller habitat patches. In staff's opinion, this would be habitat fragmentation, and would make the exchange of genetic material between populations more difficult by increasing distance, and creating barriers between populations. In addition, grading and filling uplands would alter the hydrology and topography of the system...."*

RE disagrees that construction and operation of the REP would cause significant harm to the vernal pool system through habitat fragmentation. The construction of the REP would take place largely on the uplands at the site and would remove and alter some of these uplands. Due to the degraded nature of the power plant site, however, only 5.21 acres of the 12-acre power plant site would qualify as annual grassland habitat. The REP would involve the filling of a small number of vernal pools of poor habitat quality, amounting under the existing plan to no more than 0.39 acres of direct impacts. This is a sufficiently low number to qualify for the Corps of Engineers' expedited Nationwide permit program. Hydrologically, the REP site sits at a local high point and would therefore intercept little of the drainage system that feeds the vernal pool complexes to the north and west. The hydrodynamics of this system and the keys to its health as an ecosystem have much more to do with the poor drainage and slow permeability characteristics of the underlying soils than with dependence on a larger upstream watershed.

Staff states that "...the surrounding landscape is mostly open space." With the addition of the REP, the surrounding landscape will still be mostly open space. Because the REP is planned for a site contiguous with the PGWWTP, and occupies a site that is currently very poor quality habitat, containing little annual grassland of value and less

than half an acre of low quality vernal pools, it would not cause a fragmentation of habitat or a significant barrier to populations.

*Page 4.2-14, para 1, "Construction of the proposed REP would create smaller habitat patches within the 40-acre site, leaving small islands of marginal habitat available for wildlife."*

Under the revised construction plan, such fragmentation of habitat would not take place. All of the permanent impacts would take place at the power plant site. Temporary construction impacts would be minimized and confined to an area east of the power plant. There would be no isolation of habitat patches, either in the power plant site (permanent) or the construction parking and trailer area (temporary).

*Page 4.2-14, para 3, Wetland Impacts*

Under the revised construction plan, direct wetland impacts would be reduced to 0.39 acres, and indirect impacts (250-foot-buffer) would be reduced to 1.29 acres.

*Page 4.2-14, para. 4, Wetland Impacts*

Please note that RE has adjusted the project fenceline and the construction plan to avoid direct impacts to two systems of connected vernal pools (2/5/6, and 22/42/46/48/50).

*Page 4.2-15, para. 2, Indirect Impacts*

Under the US Fish and Wildlife Service's policy, indirect impacts can occur up to 250 feet from the direct impact areas. Indirect impacts are usually temporary and less severe than direct impacts (dust, drainage, etc.) and can often be managed and reduced to negligible levels by the application of erosion and spill control measures, for example. Under the new construction plan and with appropriate mitigation, it will be possible to limit indirect impacts to 250 feet, for both isolated pools and connected pool systems.

*Page 4.2-16, para. 2, "...construction and operation of the proposed REP would result in habitat loss and fragmentation."*

The REP would result in loss of habitat for the vernal pool fairy shrimp, and RE has proposed a program to replace the lost habitat. The REP, however, would not cause significant habitat fragmentation.

*Page 4.2-18, para 3, "...the REP will use wastewater obtained from the PGWWTP."*

Please clarify that water the REP will use is not wastewater discharged from the PGWWTP, but tertiary treated municipal wastewater recycled through the PGWWTP.

*Page 4.2-18, para 3, line 11, "sanitary sewer pipeline."*

Recycled water pipeline was probably intended.

*Page 4.2-18, para 4, Sanitary Sewer Pipeline "...within 250 feet of a confirmed vernal pool fairy shrimp population."*

The sanitary sewer pipeline will be constructed within 250 feet of wetland P1, in which cysts of *Branchinecta lynchi* were found. Indirect impacts on this pool from construction of the sanitary sewer pipeline would be extremely unlikely, however. The pipeline extends along Phillip Road to the City of Roseville's lift station. Wetland P1 is located on the opposite side of the lift station from the pipeline. Furthermore, the lift station, and the sanitary sewer force main alignment that serves it, are elevated features that form a distinct hydrological barrier between the REP sanitary sewer pipeline and wetland P1. Also, any erosion or siltation effects of construction would be downstream of P1. Therefore, there would be no indirect effect.

*Page 4.2-19, para 2 –* The proposed outfall will be routed **east** and not west from the northeast corner of the power plant footprint.

*Page 4.2-20, para. 1, fourth sentence. "The WRSP proposes conversion of 360 acres of open space."*

Should be 3,162 acres.

*Page 4.2-20, para. 3, Cumulative Impacts.*

Please note that it is not the construction of the REP cumulatively with the WRSP that would cause habitat fragmentation. The REP site and construction areas are all contiguous with the PGWWTP and will not cause a significant fragmentation or segmentation of habitats. Currently, and after construction of the REP, habitat as open space will extend for many miles to the west and north of the REP and for at least one mile to the east. While the area immediately to the north of the REP has been incorporated into the City's sphere of influence, the portion that is the riparian corridor of Pleasant Grove Creek is likely to remain as an open space/riparian corridor zone in any future development. Though areas further north and west in Placer County may be subject to future development in County jurisdiction, the County has recently denied development permit applications in some of these areas in order to complete the development of a Habitat Conservation Plan for vernal pool species, a process that will likely take two years or more.

The future construction of the extensions of Blue Oaks Boulevard and Phillip Road as part of the WRSP would take place partly on the REP site and these actions have not yet been permitted by the WRSP owners on the City property. The construction of these roadways would contribute to habitat fragmentation, because they would introduce a barrier between habitat areas on the REP and areas further north and east. This effect would be a direct effect of WRSP development, however, whether or not the REP were licensed and constructed. It is not, therefore, a significant cumulative adverse impact that can be attributed to the REP.



Page 4.2-21, para. 1, "...the proposed REP would also cause adverse cumulative impacts to the following species with the potential to occur in the proposed project area."

Please note none of these species have been found on the project site. For most of these species, the potential to occur at the REP site is extremely low. Suitable habitat for some species does not exist on the project site (western pond turtle, giant garter snake). The California tiger salamander has not been found in Placer County. In surveys of more than 3,000 acres surrounding the REP site, the WRSP biologists of a variety of local habitats (riparian, oak woodland, grassland, vernal pool grassland) did not observe the Bogg's Lake hedge hyssop, pincushion navarretia, big-scale balsamroot, western pond turtle, California tiger salamander, or giant garter snake. Adverse impacts to most of the species on this list are thus very unlikely, and they should be removed from this list.

Page 4.2-24, Table 1, Indirect Impact (creation only)

Staff summarizes RE's mitigation plan in Table 1, but misrepresents RE's plan. RE's plan, as outlined in the Biological Assessment, is that both direct and indirect impacts to vernal pool fairy shrimp habitat would be mitigated at a ratio of 2:1 preservation and that the direct impacts would be mitigated with additional acreage at a ratio of 1:1 creation or restoration. There should thus be four cells in the table: direct/preservation, direct/creation, indirect/preservation, indirect/creation, as follows:

RE's Mitigation Proposal, Biological Assessment (April 2004)

	Direct	Indirect	Total
<b>Impact</b>	0.7	1.6	2.3
<b>Preservation</b>	$0.7 \times 2 = 1.4$	$1.6 \times 2 = 3.3$	4.7
<b>Creation</b>	$0.7 \times 1 = 0.7$	0	0.7
<b>Total</b>	2.1	3.3	5.4

The Staff Assessment table erroneously states that RE has proposed 3.3 acres of wetland creation for indirect impacts at a ratio of 2:1. The ratio proposed is 2:1, but for preservation, not creation. The table states that RE has "...proposed to preserve 1.4 acres of habitat for direct impacts ( $0.7 \times 2$ ) and create 4.0 acres of habitat for indirect impacts ( $0.7 \times 1 + 1.6 \times 2$ )."

The acreage proposed was actually 4.7 acres preserved (both direct and indirect) and 0.7 acres created. This is described on pages 51 and 52 of the Biological Assessment.

Under the revised project and construction proposal, RE's mitigation proposal would now be as follows:

RE's Mitigation Proposal, Revised Biological Assessment (July 2004)

	Direct	Indirect	Total
<b>Impact</b>	0.39	1.29	1.68
<b>Preservation</b>	$0.39 \times 2 = 0.78$	$1.29 \times 2 = 2.58$	3.36
<b>Creation</b>	$0.39 \times 1 = 0.39$	0	0.39
<b>Total</b>	1.17	2.58	3.75

The table is titled "RE's Proposed Wetland Mitigation." It is important to distinguish mitigation proposed for vernal pool fairy shrimp habitat from mitigation proposed for wetlands, per se, because in some cases, wetlands are not fairy shrimp habitat, and vice-versa, and may be accounted for separately with a compensation ratio of 1:1 (direct impacts only). In this case, the wetlands are also vernal pool fairy shrimp habitat.

In paragraph 2 on page 4.2-24, Staff appears to agree with RE's mitigation ratios for direct impacts ("Staff agrees with the 2:1 preservation and 1:1 creation ratios proposed for direct impacts to vernal pool fairy shrimp habitat...").

*Page 4.2-24, para 3, "...Staff does not agree with RE's mitigation proposal based on programmatic consultation. The proposed REP impacts to vernal pools/swales would be greater than 1 acre..."*

RE acknowledges that REP impacts to vernal pools and swales would be greater than 1 acre and does not propose that the US Army Corps of Engineer's consultation with the USFWS regarding the projects impacts to listed species be conducted on an expedited basis under the February 28, 1996, programmatic agreement between these two agencies. RE proposes, however, that the mitigation ratios stipulated in the programmatic agreement (2:1 preservation for both direct and indirect impacts, plus 1:1 creation for direct impacts) set a reasonable standard for a project of this nature. This is the mitigation ratio that the USFWS applied for the WRSP and has applied for a number of projects in the City of Roseville.

*Page 4.2-24, para 3, "...the ratio for indirect impacts would be 3:1 preservation only....No preservation is required, but creation at 3:1... is necessary."*

This paragraph is contradictory, because Staff initially proposes a mitigation ratio of 3:1 preservation for indirect impacts. Later in the paragraph, Staff states that the USFWS mitigation ratio would be 1:1 creation for plus an additional 2:1 preservation for direct impacts and that for indirect impacts, the ratio would be 3:1 creation. Again, RE proposes following the USFWS standard as set in the programmatic agreement for projects having relatively small impact, of 2:1 preservation for indirect and direct impacts, plus an additional 1:1 creation, only for direct impact acreage.

*Page 4.2-25, Table 2*

The table title refers to wetland mitigation instead of vernal pool fairy shrimp habitat mitigation (see comment, above). This table also proposes 3:1 creation for indirect impacts. This is unreasonable and inconsistent with the USFWS standard.

*Page 4.2-25, Staff Proposed Mitigation, "Because of the number of species that could potentially be directly and indirectly affected by the loss, degradation, and fragmentation of uplands on the proposed REP, Staff proposes..."*

Staff states that the mitigation ratio for annual grassland be increased from the CDFG guideline ratio of 0.75:1 to 1:1 "because of the number of species involved and due to loss, degradation, and fragmentation," and lists 18 species as "potentially affected." The following sensitive upland species on this list, however, have not been reported as present at or near the REP site and were not reported in the WRSP area by WRSP biologists, as described above: Bogg's Lake hedge hyssop, pincushion navarretia, big-scale balsamroot, or giant garter snake. In reality, sensitive species that have been documented as being present on site include vernal pool fairy shrimp and dwarf downingia, plus Swainson's hawk and white-tailed kite as foraging raptors. Other species that have been found nearby include western spadefoot toad and burrowing owl. Presence of many of the other species mentioned in the PSA is hypothetical. Please note also, that the REP will not cause significant fragmentation of habitat.

*Page 4.2-27-28, Proposed Conditions of Certification **BIO-1** and **BIO-2***– These conditions should be modified as shown below so that they are consistent with other previously licensed projects that allow Biological Monitors or appropriately trained individuals to perform monitoring activities at the site. In addition, RE requests the verification timeline be modified to expedite the review of the required resumes. Staff should not require 60 days to complete such a review.

**BIO-1** The project owner shall submit the resume, including contact information, of the proposed Designated Biologist and **Biological Monitors** to the CPM for approval

**Verification:** The project owner shall submit the specified information at least ~~60~~ **30** days prior to the start of any site (or related facilities) mobilization. Site and related facility activities shall not commence until an approved Designated Biologist **and Biological Monitors are** is available to be on site.

**BIO-2** The project owner shall ensure that the Designated Biologist **and Biological Monitors** shall perform the following during any site (or related facilities) mobilization, ground disturbance, grading, construction, operation, and closure activities:

1. Advise the project owner's Construction and Operation Managers on the implementation of the biological resources Conditions of Certification;
2. Be available to supervise or conduct mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as wetlands and special status species or their habitat;
3. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions;
4. Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (parking lots) for animals in harms way;
5. Notify the project owner and the CPM of any non-compliance with any biological resources Condition of Certification; and
6. Respond directly to inquiries of the CPM regarding biological resource issues.

***All inspections may be performed by either the Designated Biologist or the Designated Biologist's appropriately trained delegate.***

*Page 4.2-29-30, Proposed Condition of Certification **BIO-4*** – RE requests the condition be revised as follows to indicate that the worker training can be conducted by video tape, which has been successful in other projects.

**BIO-4** The project owner shall develop and implement a CPM approved Worker Environmental Awareness Program (WEAP) *training* in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or any related facilities during site mobilization, ground disturbance, grading, construction, operation and closure are informed about sensitive biological resources associated with the project. ***The training may be presented in the form of a video.***

*Page 4.2-32-33, Proposed Condition of Certification **BIO-7*** - CDFG has indicated, that for the nature and size of the REP, and based on the impacts evaluation, an Incidental Take Permit would not be necessary (J. Finn pers. comm. with Eric Htain). Therefore, **BIO-7** should be deleted.

*Page 4.2-34, Proposed Conditions of Certification **BIO-13** and **BIO-14*** – RE disagrees with the amounts of vernal pool mitigation and upland habitat mitigation reflected in

**BIO-13** and **BIO-14**. As discussed above, the amount of mitigation must be revised based on RE's modification of the location of a portion of the construction laydown area. Additionally, RE requests the following modification to the Verification for **BIO-13** be made to clarify that a plan for endowment, rather than the endowment must be submitted prior to site mobilization activities. Additionally, RE requests a shorter verification timeline.

**Verification:** At least ~~90~~ **60** days prior to any site, or related facilities mobilization activities, the project owner shall provide to the CPM, for review and approval by staff, CDFG, USACE and USFWS, the location for the preservation and creation of vernal pools. In addition, the project owner shall provide the name of the entity which would protect the habitat in perpetuity, **a plan for** an endowment to manage the habitat in perpetuity, a wetland construction plan/schedule, and an adaptive management plan to be reviewed and approved by staff in consultation with CDFG and USFWS.

## **CULTURAL RESOURCES**

*Page 4.3-1, para. 1, National Environmental Policy Act*

The National Environmental Policy Act (NEPA) does not apply to the REP because there is no federal action.

*Page 4.3-1, Federal. 36 CFR Part 61*

The Federal Guidelines for Historic Preservation Projects are published in the Federal Register at 48 FR 44716.

*Page 4.3-9, para.1, 1<sup>st</sup> sentence, Field Surveys, Natural Gas Pipeline*

The paragraph should say that the areas described along the natural gas pipeline route were surveyed (probably a typographic omission).

*Page 4.3-11, para. 4, "CA-PLA-263"*

This entry likely refers to CA-Pla-137, recorded in 1961, which was assigned the primary number P-31-0263 under the California Historical Resources Inventory's new site numbering system, when the site record was updated in 2001 (see Table 1).

*Page 4.3-16, Conclusions and Recommendations, #2, "Ground disturbing activities could impact CA-PLA-263. An additional cultural resource survey is needed to determine..."*

As noted above, this site number probably refers to CA-Pla-137, which was assigned the state primary number P-31-0263 in 2001. The site was recorded as being located on both sides of Pleasant Grove Creek, somewhere near the abandoned barn and farmstead in the northeastern corner of the City's property. URS attempted without success to relocate this site in 2001, as did Tetra Tech FW in 2003. On June 24, 2004,

Gary Reinoehl of CEC Staff and Douglas Davy of CH2M Hill visited the site and conducted a surface inspection and shovel scrapes in the area apparently indicated on the site record sketch map. Archaeological deposits and artifacts were not encountered on the City's parcel or near the natural gas pipeline.

*Page 4.3-17, Proposed Condition of Certification **CUL-1*** - The Condition states levels of qualification for cultural resources monitors, listing minimal training requirements plus requirements for years of monitoring experience in California. Though the degree and years of experience requirements seem appropriate, the requirement that experience be in California is unnecessarily restrictive, and we suggest changing this requirement to stipulate that the monitor must have experience in North America. Archaeological deposits are sufficiently similar appearing throughout North America that any appropriately trained archaeologist with experience in North American archaeology will recognize buried deposits when monitoring. Therefore, we request the following modification to a portion of **CUL-3**.

#### **CULTURAL RESOURCES MONITOR**

CRMs shall have the following qualifications:

1. a BS or BA degree in anthropology, archaeology, historic archaeology or a related field and one year experience monitoring in ~~California~~ **North America**; or
2. an AS or AA degree in anthropology, archaeology, historic archaeology or a related field and four years experience monitoring in ~~California~~ **North America**; or
3. enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historic archaeology or a related field and two years of monitoring experience in ~~California~~ **North America**.

*Page 4.3-20, Proposed Condition of Certification **CUL-3*** – RE requests that this condition be deleted. RE will prepare a CRMMP prior to the FSA. We believe Staff should review the CRMMP and make comments in its FSA so that **CUL-3** will ultimately be unnecessary. RE has elected to suggest this approach because it has taken months for many projects to get a CRMMP approved during the compliance phase. These delays place the project at risk and RE seeks to avoid such risks.

#### **HAZARDOUS MATERIALS**

*Page 4.4-18, Proposed Condition of Certification **HAZ-2*** – The verification language for this condition requires the delivery of a final “EPA-approved” RMP. Our understanding is that EPA does not approve an RMP, but may provide comments. To reflect EPA's role in the RMP process, RE requests the following modification to the verification. RE additionally requests a shorter verification timeline.

**Verification:** At least ~~60~~ **30** days prior to receiving any hazardous material on the site, the project owner shall provide a copy of the final Business Plan to the CPM. At least ~~60~~ **30** days prior to delivery of aqueous ammonia to the site, the project owner shall provide the final ~~EPA-approved RMP~~ to the City of Roseville Fire Department and the CPM including copies of any comments received by EPA.

*Page 4.4-18, Proposed Condition of Certification **HAZ-3*** – The condition requires a Safety Management Plan for delivery of sodium hypochlorite. We are unaware of any requirement for preparation of the plan for sodium hypochlorite. The condition does specify that the plan must contain measures to prevent mixing of aqueous ammonia with chemicals such as sodium hypochlorite. Therefore a separate plan is not necessary. Therefore RE requests the following modification.

**HAZ-3** The project owner shall develop and implement a Safety Management Plan for delivery of aqueous ammonia ~~and sodium hypochlorite~~ and shall submit this plan to the CPM for approval...

**Verification:** At least 60 days prior to delivery of aqueous ammonia ~~or sodium hypochlorite~~ to the facility, the project owner shall provide the plan to the CPM for review and approval.

*Page, 4.4-19, Proposed Condition of Certification **HAZ-4*** – The condition requires the secondary containment basin be designed to hold 125 percent of the tank storage volume plus the volume associated with a 24 hour rain during a 25-year storm event. This is excess of applicable code, which requires 100 percent plus the rain event. RE request the condition be modified to reflect applicable code.

**HAZ-4** The aqueous ammonia storage facility shall be designed to either the ASME Pressure Vessel Code and ANSI K61.6 or to API 620. In either case the storage tank shall be protected by a secondary containment basin capable of holding ~~125%~~ **100%** of the storage volume plus the volume associated with 24 hours of rain assuming the 25-year storm.

*Page 4.4-19, Proposed Conditions of Certification **HAZ-6** and **HAZ-7*** – RE requests these conditions be deleted because the gas pipeline will be constructed, owned and operated by PG&E and therefore will comply with all applicable Public Utilities Commission requirements.

## **LAND USE**

*Page 4.5-10, Conclusion 3* – Staff states that it has concerns about the WRSP’s proposed residential zones in relation to the location of the REP and other industrial designations of the WRSP. RE requests this conclusion and discussion be deleted because Staff has found no specific environmental impacts associated with the REP in relation to the WRSP’s zoning designations.

*Page 4.5-11, Proposed Condition of Certification **LAND-1*** – The proposed condition attempts to set forth requirements of the City of Roseville Zoning Ordinance. RE requests that since the purpose of the condition is to ensure compliance with the Zoning Ordinance, the condition should be simplified rather than attempt to list all applicable requirements of the Zoning Ordinance. In addition, the standards applicable to the REP are outlined in the Public/Quasi Public District and not the General Industrial District. Therefore, RE recommends the following modifications.

**LAND-1** The project owner shall prepare a site development plan that complies with the applicable design criteria and performance standards for the ~~General Industrial~~ **Public/Quasi Public** District set forth in the City of Roseville Zoning Ordinance. ~~The site development plan must contain the following features.~~

- ~~• Setbacks (i.e. yard area requirements) for structures;~~
- ~~• Building elevations;~~
- ~~• Landscaping requirements;~~
- ~~• Temporary and permanent signs for project identification; permanent and construction phase signs; and~~
- ~~• Permanent parking lot design, showing the quantity and dimension of spaces~~

Following preparation of the above site development plan, the project owner shall design and construct the project consistent with the applicable design criteria and performance standards for the ~~General Industrial~~ **Public/Quasi Public** District set forth in the City of Roseville Zoning Ordinance.

The verification language requires approval from the Planning Department, which may not be the correct department within the City for approval of the site development plan. Additionally, the new requirement of monthly written statements from the CBO is overly burdensome and conflicts with the CBO responsibilities and reporting required in the Engineering Conditions. Therefore RE requests the language be deleted as follows.



**Verification:** At least 60 days prior to the start of construction, the project owner concurrently submit the site development plan to the CPM and the City of Roseville Planning Department. The material submitted to the CPM must include documentation that the City of Roseville Planning Department has been given the opportunity to review and comment on the plan and its compliance or conformance the above-referenced requirements.

~~Monthly Compliance Reports submitted to the CPM must contain a written statement from the CBO that the project is being constructed in compliance with the site development plan.~~

*Page 4.5-12, Proposed Condition of Certification **LAND-2*** – RE request the verification to this condition be modified to clarify that the timing of potentially separate submittals.

**Verification:** The project owner shall provide the specified documents at least 30 days prior to the start of any ground disturbance activities ***on the affected parcels.***

*Page 4.5-12, Proposed Condition of Certification **LAND-3*** – This condition attempts to summarize requirements of Section 18.10.010 of the Roseville Subdivision Ordinance. To avoid confusion during the compliance phase of the project, RE requests that the condition reference the ordinance rather than attempt to incorporate specific requirements of the ordinance. For example, the ordinance does not preclude the City from creating another legal lot on some of the property in the future. Therefore, RE requests the following modification.

**LAND-3** The project owner shall obtain the necessary approval(s) from the City of Roseville and complete any lot merger or lot line adjustments necessary to ensure that the proposed project, ~~including associated facilities and improvements,~~ but excluding linear facilities, will be located on a single legal lot and owned by one entity. ~~That single lot shall include sufficient buffer areas to protect the health and safety of current or future occupants of adjacent lots. It shall remain a single lot for the life of the power plant.~~

**Verification:** At least 30 days prior to the start of construction, the Project Owner shall provide the CPM with proof of completion of the above adjustments or satisfactory evidence that no such adjustments are necessary. Prior to submitting an application to the City, the project owner shall submit the proposed lot configuration to the CPM for review and approval.

## **NOISE AND VIBRATION**

*Page 4.6-20, Staff Conclusions and Recommendations, and general comments on Staff's methodology* – Staff states that it cannot conclude that the REP will comply with the applicable LORS. In support of this conclusion, Staff cites the Placer County Noise Ordinance. RE and Placer County agree that REP is not subject to, nor is required to comply with, the Placer County Noise Ordinance. See Placer County letter dated March 2, 2004.

With respect to Staff's conclusion that the REP will result in significant impacts, RE will be prepared to discuss Staff's concerns and potential approaches at the Public Workshop. RE believes that such discussion should result in modification to **NOISE-6**.

*Page 4.6-23, Proposed Condition of Certification* **NOISE-8** – RE requests that the this condition be modified to recognize the flexibility set forth in the City of Roseville Municipal Code as it relates to performing construction activities outside of the normal construction hours listed in the condition. Such flexibility may be needed to accommodate working at night in roadways or other areas to minimize traffic or other impacts. Therefore we recommend the following modifications.

**NOISE-8** Heavy equipment operation and noisy construction work relating to any project features including high pressure steam blows shall be restricted to the times of day delineated below ***unless specifically approved by City of Roseville under the procedures set forth in Section 9.24.160 of the Roseville Municipal Code:***

**Verification:** Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project. ***If an exception for specific activity is granted by the City of Roseville pursuant to Section 9.24.160 of the Roseville Municipal Code, the project owner shall submit evidence of such approval to the CPM prior to conducting such activities.***

## **VISUAL RESOURCES**

*Page 4.12-12-16, Staff's Plume Impact Assessment* – RE is unable to evaluate and discuss Staff's methodology for plume impact assessment because Staff utilized a new model for assessment. RE requests that Staff transmit the model including all input and output files and any discussion of assumptions in order for RE to understand Staff's methodology. RE is surprised by Staff's prediction of frequency and size of the plume.

Page 4.12-30, *Proposed Condition of Certification VIS-2* – Staff has concluded that the REP will not result in significant visual impacts yet requires specific landscaping requirements. At a minimum, **VIS-2** should be modified to reflect that any landscaping should be performed in accordance with requirements of the City of Roseville. Therefore **VIS-2** should be modified as follows.

**VIS-2** The project owner shall provide landscaping ~~along the four boundaries of the REP property that is effecting in screening the proposed project from public views and~~ **that** is consistent with the City of Roseville Community Design Guidelines.

Page 4.12-31, *Proposed Condition of Certification VIS-3* – RE request the following modifications for clarity.

**VIS-3** To the extent feasible and consistent with safety and security considerations, the project owner shall design and install all permanent exterior lighting such that a) lamps and reflectors **visibility is minimized from public viewing areas** ~~are not visible from beyond the project site~~; b) lighting does not cause excessive reflected glare; c) direct lighting does not illuminate the nighttime sky; (d) illumination of the project and its immediate vicinity is minimized, and e) the plan complies with local policies and ordinances. The project owner shall submit to the CPM for review and approval and simultaneously to the City of Roseville for review and comment a lighting mitigation **control** plan that includes but is not necessarily limited to the following:

- a) Determination of location and direction of light fixtures shall take the lighting mitigation **control** requirements into account.
- b) Lighting design shall consider setbacks of project features from the site boundary to aid in satisfying the lighting mitigation **control** requirements.

A corresponding change to the verification should be made replacing the word “mitigation” with “control”.

Page 4.12-32-33, *Proposed Condition of Certification VIS-4* – RE requests deletion of the condition. RE will submit proposed colors and treatments prior to the FSA. Staff should be able to approve the colors and treatment proposed for the REP major components in its FSA negating the requirement for treatment plan approval during the compliance phase. RE is proposing this new approach

due to the difficulty and length of time experienced by other projects during the compliance phase in obtaining timely approval of a treatment plan.

## **CONCLUSION**

RE hopes that these preliminary comments are useful to Staff in preparing for the Public Workshop. RE will be preparing Supplemental Comments after the Public Workshop, which will incorporate discussions and/or resolution of issues at the Public Workshop as well comments for the remaining technical areas.

Dated: July 16, 2004

Respectfully Submitted,

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